

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Roger Williams
Secretary of State

ELECTION ADVISORY **NO. 2006-19**

TO: All Voter Registrars/Elections Administrators and County Clerks

FROM: Ann McGeehan, Director of Elections

DATE: September 28, 2006

RE: Processing Voter Registration Applicants When the Voter's Texas Driver's License or Last Four Digits of the Social Security Number Cannot Be Verified

As you know, the Help America Vote Act of 2002 ("HAVA") requires that the state verify the driver's license or last four digits of the social security number provided by an applicant on a voter registration application. With your cooperation, the State of Texas has been verifying these identification numbers on all new applications submitted since January 1, 2006. Recently, several counties have informed us that they have encountered situations in which an applicant's driver's license number or social security number cannot be verified through the state, but the voter has apparently provided the correct number. HAVA is silent on how these applications should be processed. Accordingly, we issue this advisory to prescribe the process to be followed when a voter's identity cannot be confirmed by the state.

1. Before the county takes any action, first double-check that the county submitted the correct identification information to the state (confirm that there has not been a data entry error). If there is a data entry error, submit the corrected record to the state for verification.
2. If there has been no data entry error on the part of the county, then send the voter a letter (Notice of Incomplete) explaining the error and ask the voter to confirm his or her identification number. If the voter responds within 10 days after receiving the letter and provides a corrected identification number, then resubmit the record to the state for verification. If the record is verified by the state, then the voter should be registered with an effective date of registration to be that of the original submission date of the voter registration application. If the voter responds after the 10-day period, then the voter record should be resubmitted to the state but the effective date should be calculated as of the date of submission of the corrected information. Tex. Elec. Code Ann. § 13.073(c) (Vernon 2005).
3. If the voter responds to the county's letter and states that the identification number that he or she has provided is the correct number, then that voter needs to be approved and processed as a voter that has declared he or she has not been issued a Texas driver's license number or Social Security number. Under HAVA, a voter that has

EXHIBIT
DEF 02751

not been issued a driver's license or social security number must be accepted for registration, but these voters must submit proof of identification when they present themselves for voting or with their mail-in ballots, if voting by mail. These voters' names should be flagged on the official voter registration list with the annotation of "ID." The "ID" notation instructs the poll worker to request a proper form of identification from these voters when they present themselves for voting.

Those counties currently on the TVRS system would check the box "No Proof of ID Submitted" to generate the notation of "ID" to be printed on the official voting list. TEAM will have a similar process to capture this information. When offline counties resubmit the voter record to the state, the county will need to remove the driver's license or social security number which cannot be confirmed from the voter record.

The effective date of registration for these voters is calculated as of the submission date of the original voter registration application. When you mail a voter in this situation the voter registration certificate, you must also mail them a notice stating they will be required to provide ID at the polls. The language for this notice is listed below. Note that once the below language has been translated into Spanish, we will provide you with that translation language.

The State has not been able to verify the Texas driver's license or last four digits of Social Security number provided on your application to register to vote. Your registration has been accepted, but you will be required to provide identification when you attempt to vote, either in person or by mail. One of the following forms of identification must be presented when you vote:

- (1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;*
- (2) a form of identification containing the person's photograph that establishes the person's identity;*
- (3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;*
- (4) United States citizenship papers issued to the person;*
- (5) a United States passport issued to the person;*
- (6) official mail addressed to the person by name from a governmental entity; [or]*
- (7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.*

Tex. Elec. Code Ann. § 63.0101 (Vernon Supp. 2006).

Thank you for your attention to this matter. One of the goals of HAVA was to strengthen the integrity of the voter registration rolls by requiring the states to verify the identification numbers of newly-registered voters. However, election officials must be careful not to disenfranchise legitimate voters because of an issue over which they have no control.

Election Advisory No 2006-19
Page 2

AM/AM